

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  OFFICE OF CONSUMER ADVOCATE,  Complainant,  vs.  AT&T COMMUNICATIONS OF THE MIDWEST, INC.,  Respondent.	DOCKET NO. FCU-04-16
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**ORDER APPROVING SETTLEMENT AND ASSESSING CIVIL PENALTY**

(Issued May 10, 2004)

On April 9, 2004, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a "Petition for Proceeding to Consider Civil Penalty" for alleged slamming violations committed by AT&T Communications of the Midwest, Inc. (AT&T).

In its petition, Consumer Advocate asserted that AT&T switched the complaining customer's long distance service without proper authorization in violation of Iowa's anti-slamming law, Iowa Code § 476.103 (2003).

On April 30, 2004, the parties to this docket, Consumer Advocate and AT&T, submitted a joint motion for approval of a settlement. The settlement agreement

addresses all issues in the docket and includes a monetary penalty against AT&T in the amount of \$500, which is to be paid within 30 days of the date of this order.

The settlement agreement is reasonable in light of the record, is in conformance with all applicable statutes and rules, is in the public interest, and will be approved. 199 IAC 7.2(11).

**IT IS THEREFORE ORDERED:**

1. The "Joint Motion for Approval of Settlement Agreement" filed in this docket on April 30, 2004, is granted and the "Settlement Agreement" is approved.

2. Pursuant to Iowa Code § 476.103 and the "Settlement Agreement" filed April 30, 2004, AT&T Communications of the Midwest, Inc., is assessed a civil penalty in the amount of \$500. Payment is due within 30 days of the date of this order.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 10<sup>th</sup> day of May, 2004.